

Remarks

The specification and claims 1, 20-22 have been amended, claim 16 has been canceled and new claims 24-38 have been added. Review and reconsideration in light of the amendments and the remarks below are respectfully requested.

The specification has been amended to correct the error indicated in the Office action. Claim 21 has been amended to correct a typographical error.

Claims 1-8 and 10-23 are rejected as being anticipated by U.S. Pat. No. 5,909,897 to Lun. Accordingly, independent claim 1 has been amended to specify that the spine has a length extending in a longitudinal direction, and that the access door has a length extending in the longitudinal direction that is less than the length of the spine. Claim 1 has also been amended to clarify that the door is pivotally coupled to the storage compartment.

Originally-filed claims 16 and 23 include subject matter similar to the subject matter added to claim 1. In rejecting claim 16, the Office action took the position that, because the door of the Lun reference fits inside the side recess of the Lun reference, that the door must have a length less than the length of the spine.

However, it is submitted that the pivotable door of the Lun reference does not fit inside the recess of the Lun reference. Instead, the Lun reference appears to teach quite the opposite arrangement, wherein the pivotable door lies on top of the opening. In particular, as can be seen in Fig. 4 of the Lun reference, the door 36 is shown to extend the entire length of the spine. For example, the top and bottom end lines defining the door 36 coincide exactly with the lines defining the end panels 31. In addition, the Lun reference does not appear to include any disclosure that the pivotable door 36 "fits inside" the opening 35. In contrast at column 2, line 52 the Lun reference indicates that the door 36 "covers" the opening 35 which of course is the opposite of fitting into the opening 35. The embodiment shown in Fig. 2 of the Lun reference does not disclose an access door pivotally coupled to the storage compartment.

Thus it can be seen from the disclosure of the Lun reference that the subject matter of amended claim 1 is not shown. Claim 23, as originally, filed, specified that the access door has a length less than the length of the spine. Claims 23 also specifies that the access door is pivotable "to provide access to said storage cavity." In contrast, the door of Fig. 2 of the Lun reference is

not pivotable to provide access to the storage cavity. Thus, it is submitted that both of independent claim 1 and 23 define over the Lun reference.

The remaining independent claims (claims 20 and 22) have been amended to specify that the door is pivotally coupled to the storage compartment or to at least one of the side walls, the end walls or the backing wall and that the pivot axis is spaced away from the spine. Claims 20 and 22 have also been amended to specify that the spine is generally flat and planar. Thus claims 20 and 22 include limitations somewhat similar to that of original claim 2. In the rejection of claim 2, the Office action takes the position that the Lun reference discloses a pivoting axis that is spaced away from the spine. However, in the embodiment of the Lun reference which discloses a pivoting access door (Fig. 4) the pivot axis can be seen to coincide with the spine.

It is noted that the Office action includes significant discussion of the embodiment of Fig. 2. However, it appears that it is the embodiment of Fig. 4 which in fact forms the basis of the rejection. If the Office action wishes to rely upon the embodiment of Fig. 2, it is noted that that embodiment does not disclose a pivotable door. Accordingly, because the Lun reference does not disclose the subject matter of claims 20 and 22, it is submitted that those claims are also allowable.

New claims 31 and 33 depend from claims 20 and 22, respectively, and include subject matter relating to the length of the door similar to the subject matter added to claims 1 and 20 and discussed above.

Claim 2 specifies that the axis is spaced away from the spine. However, in the embodiment shown in Fig. 4 of the Lun reference, the axis is coincident with the spine.

With respect to claim 5, the Lu reference does not disclose the claimed backing wall. It is submitted that Fig. 4 of the Lu reference does not disclose any backing wall, but instead only discloses the end surfaces of the covers 32, 33 and end panels 31. Claims 13, 17, 18 and 22 also include a backing wall and distinguish over Lu for the same reasons.

Claim 9 specifies that the storage component is made of generally transparent material such that any contents of the storage component are visible from outside the storage component. The Office action takes the position that it would have been obvious to one of ordinary skill in the art to have made the storage compartment of the Lu reference transparent on the basis that it

is within the general skill of a worker to select a known material on the basis of its suitability for the intended use as a matter of design choice.

However, under this reasoning any material that is selected for the storage compartment would be considered to be obvious, regardless of the advantages provided by that material. Instead, it is submitted that in order to support a proper obviousness rejection the Office action must, at least, make a showing where the missing subject matter can be found in the prior art and provide a proper motivation for the proposed combination. In this first obviousness rejection the Office action does not show where the missing subject matter can be found in the prior art and does provide any motivation for the proposed combination beyond a conclusory statement. The Office action also does not advance any basis for the alleged "known suitability" of a transparent material for use as a material of the storage compartment. It is noted that claim 9 specifically indicates that the purpose of generally transparent material is to make any contents of the storage component visible from outside the storage component. However, the Office action does not provide any motivation for making the compartment of the Lu reference transparent.

In an alternative obviousness rejection of claim 9, the Office action cites to U.S. Pat. No. 6,367,842 to Wien et al. as disclosing a binder made of transparent material. The Office action then takes the position that it would have been obvious to one of ordinary skill in the art to modify the storage compartment of Lu to be made of transparent material of the Wien reference. However, the transparent material of the Wien reference is disclosed to be thin polyvinyl chloride having a thickness of 0.007 inches, or between 0.004-0.015 inches (column 3, line 63 – column 4, line 1). Thus if one of ordinary skill in the art were to be motivated to combine the Lu and Wien references, the resultant storage compartment of the Lu reference would be made of a thin flexible material and would provide a floppy storage compartment that could not hold its shape, and would not provide any structural support or operate in the desired manner. Thus it is submitted that one of ordinary skill in the art would not be motivated to combine the Lu and Wien references in the manner suggested in the Office action.

Claim 12 specifies that the spine and covers are generally flat, planar components and are generally rectangular in front view. In contrast, at page 2 of the Office action it is indicated that the "longitudinal edge 21" is being construed as the claimed spine. Thus under this interpretation the spine is not flat and planar and is not generally rectangular in front view.

New claims 24, 27, 32 and 35 depend from claims 1, 20, 22 and 23, respectively, and specify that the storage component includes a backing wall extending generally parallel to and spaced apart from the spine in a lateral direction, and wherein the pivot axis is spaced apart from the spine and from the backing wall in the lateral direction. Support for this amendment can be found at page 3, 3rd full paragraph of this application, wherein it is specified that the pivot axis is spaced away from the spine, and is indicated to be located "closer to" the backing wall which of course implies that the pivot axis is also spaced away from the backing wall. Further, Fig. 4 illustrates the pivot axis 60 spaced away from both the spine and the backing wall, as does Fig. 3. In contrast, the Lun reference does not disclose this the subject matter.


New claims 26, 30, 34 and 38 depend from claims 1, 20, 22 and 23, respectively, and specify that the door has a length of no more than about 62.5% than the length of the spine. Support for this amendment can be found in Fig. 1 of this application, wherein the spine is measured to be about 5 inches, and the door is measured to be about 3 1/8 inches to provide the 62.5% figure.

New claims 25, 28, and 36 depend from claims 1, 20, 22 and 23, respectively, and specify that the spine is a generally flat, planar component. In contrast, at page 2 of the Office action it is indicated that the "longitudinal edge 21" is being construed as the claimed spine.

Accordingly, it is submitted that the application is now in a condition for allowance and a formal notice thereof is respectfully solicited.

The Commissioner is hereby authorized to charge any additional fees required, including the fee for an extension of time, or to credit any overpayment to Deposit Account 20-0809. The applicant(s) hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed in this application which requires an extension of time as incorporating a request for such an extension.

Respectfully submitted,



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Amendment

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